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GOVERNOR PICKERING

TO THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF WASHINGTON,

RELATIVE TO

ACT TO DEFINE THE BOUNDARY LINE OF THE COUNTY OF PIERCE.

FIVE THOUSAND COPIES ORDERED PRINTED.

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1863.

VETO MESSAGE.

EXECUTIVE OFFICE,
Olympia, December 27, 1864.

To the Legislative Assembly of Washington Territory:

GENTLEMEN—On the evening of the 24th of December, 1864, I received from your Honorable Body an act, passed by the Council on December 20th, and by the House of Representatives on December 22d, 1864, entitled "An act defining the boundary line of Pierce county." The preamble of said act is in the following words and figures:

"Whereas, in the year 1859 the Legislative Assembly of Washington Territory passed an act defining the boundary line of Pierce county; and whereas, the act as introduced has been lost, and is not to be found in the Secretary's office; and it is believed that the same was not correctly enrolled and printed, but if correctly done, would have read and meant as by the following provisions will appear." Then follows your present act.

Respecting the foregoing preamble, I beg leave to state, that the original bill for said act, as introduced, having been lost, burned, misplaced, stolen or destroyed, so that it cannot now be found in the Secretary's office, that circumstance will not and cannot invalidate, annul, or in any way injure or destroy, the full force of the legality and binding efficacy and obligations of the law that was passed by the Legislative Assembly, and by them printed and published in the volume of the laws of Washington Territory in the year 1859. Now nearly six

years that law has remained on the statute book as the law of the Territory, fixedly establishing the boundary line between the northern end of Pierce county and the southern end of King county, and all the citizens, land-owners and tax payers of both of said counties of Pierce and King have hitherto been well contented with their boundary line. Besides, if the bill as first introduced, has been lost and cannot be found, as the said preamble avers and sets forth, pray how can any man assert how it would have read, or what the bill as introduced would have meant, until the same be found? How can any man or any honorable body of men assume the omnipotent power, or the omniscient knowledge of asserting how a bill, passed by the Legislature six years since, would read, or what it would mean now, while it is lost and cannot be found.

In the volume of laws, passed by the Legislative Assembly of the Territory of Washington at the sixth regular session, begun and held at Olympia, December 6th, 1858, all of which were printed and published, as the law directs, and distributed amongst the population of every county, on the 59th page of said volume stand the law referred to in the preamble of the new act now under consideration, as follows:

AN ACT DEFINING THE BOUNDARY LINE OF PIERCE COUNTY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the boundary line of Pierce county shall be bounded as follows: Commencing at a point in the middle of the channel of Puget Sound, opposite the mouth of the Nisqually river; thence westerly along the middle of the main channel of Puget Sound to a point opposite Case's Inlet; thence north along the main channel to the head of said Inlet; thence due north to the line of township 22 north range 1 west; thence due east to the middle of the channel of Culver's Passage; thence south along the middle of said passage and the middle of the main channel of Commencement Bay to a point on the 5th Standard Parallel; thence due west to the middle of the channel of White river to the summit of the mountains in the Natchez Pass; thence south along the summit of said mountains to the head waters of the Nisqually river to the place of beginning.

SEC. 2. All acts or parts of act conflicting with this act are hereby repealed.

Passed January 29, 1859.

For the purpose of ascertaining and more clearly understanding the purpose and intention of the Legislature at the time of the passage of foregoing law, passed expressly, as the title thereof declares and sets forth, for "defining the boundary line of Pierce county," it will be necessary to examine the journal of the House of Representatives of the date of January 19, 1859, page 162, when House bill 40, "an act defining the boundary lines of Pierce county," was read a second time, and on motion of Mr. Chapman, was referred to a select committee of five. The Speaker appointed Messrs. Chapman, Lewis, Weed, Henness and Rutledge said committee.

On Monday, January 24, 1859, pages 185 and 186, Mr. Chapman, chairman of the committee to whom was referred House bill 40, made the following report:

"MR. SPEAKER—The select committee to whom was referred House bill 40, have had the same under consideration, and have instructed me to report the same back with amendments, and that it do pass as amended.

"Insert in eighth line so as to read 'thence due east to the middle of the channel of White river, thence up said river to the summit of the Cascade mountains in the Nachess Pass.

"J. M. CHAPMAN, *Chairman*."

In the House journal of Tuesday, January 25, 1859, page 195, "House bill 40, an act to define the boundary lines of Pierce county, was taken from the table, with the report of the committee thereon, and on motion of Mr. Lewis, the report was adopted.

"On motion of Mr. Chapman,

"The bill was considered engrossed, read third time, passed and title agreed to."

In the House journal, Monday, Jan. 31, 1859, page 223, appears the following:

"Message from the Council:

"MR. SPEAKER—I am instructed by the Council to inform the House of the introduction of C. B. 31, an act to provide for

the appointment of a board of commissioners to prepare, revise and compile a code of laws for Washington Territory.

"Also the introduction of C. B. 32, an act appointing prosecuting attorneys for the first and third judicial districts.

"Also the passage of House bill 40, an act defining the boundary line of Pierce county."

The foregoing extracts from the House journal for January, 1859, clearly and unequivocally proves that both the House of Representatives and the Council passed the "act defining the boundary lines of Pierce county," adopting the amendment contained in the report of the committee made by their chairman, J. M. Chapman, as follows:

"Insert in eighth line, so as to read, thence due east to the middle of the channel of White river; thence up said river to the summit of the Cascade mountains in the Nachess Pass."

The present new act passed by the Council on December 20th, and by the House on December 22, 1864, entirely changes the whole length of the northern boundary line of Pierce county, improperly taking from King county the whole of White river above its junction with Stuck river, and taking by legal force a large district of valuable territory across the whole width of the south end of King county, and adding the whole of said region of territory, including many farms and a respectable population, to the north end of Pierce county, without any shadow of proof that any portion of the honest population of Pierce county have ever expressed their desire to deprive King county of one acre of her soil situated on the north side of the boundary line which has been fixed by the Territorial law, and established by the mutual acquiescence and usages of the whole population of both the counties of Pierce and King for nearly six years last past, without any person objecting to the 5th standard parallel until it strikes White river, and thence up said river to the Cascade mountains at the Nachess Pass, being the true and legal boundary line between said two counties.

I would respectfully recommend your honorable body to so amend the said old law of January 29, 1859, so as to change and strike out the word "west," in the ninth line of the said act, as it stands in the printed laws, and in lieu of "west" insert "east," as the Journal of the House, hereinbefore quoted, fairly and

positively prove the law was really passed, as amended by the said committee, notwithstanding by some accidental neglect or misprint, the said amendment of the committee has not been printed in the law; for by your honorable body making the change of that one word "west," and inserting "east," the public and private peace, friendship, harmony and good will, which has always heretofore existed between the whole population of those two thriving counties in a marked and pre-eminently distinguished manner, and all that neighborly good will so universally entertained by all the early settlers of every new country, will be handed down from generation to generation, and the whole of the present, and the next following generations of King and Pierce counties, will bless your names and your memories for such benevolent legislation, as will preserve and perpetuate all their past memories of gone-by days, of their mutual privations and mutual endurance of hardships, for the mutual protection of the lives and property of themselves and their families.

But to pass the bill presented for my consideration, would in fact be violently taking a large and valuable region of territory from King county and giving it to and adding it to Pierce; and by taking all that region of land from the population of King county, heart burnings will follow, with all the consciousness of having been wronged, deprived and legally robbed of one of the most valuable portions of King county, across the whole south end of their territory, including White river, while at the same time the honest and praiseworthy population throughout Pierce county neither ask it nor desire it from your honorable body.

Entertaining these views and opinions of the illegality, inexpediency, as well as the great wrong this new act defining the boundary line of Pierce county would inflict upon the peace and dignity, as well as upon the interests of the whole population of King county, I beg leave to inform your honorable body that as I cannot approve, therefore I cannot sign the said act, and respectfully return it to your good care and deliberate consideration.

Very respectfully,

Your obedient servant